



IN THE UNITED STATES PATENT OFFICE  
ALEXANDRIA, VIRGINIA 22313-1450

Application of: Billy R. Masten

Group Art Unit 2877

Serial Number: 10/655,711

Filed: 09/04/2003

For: Digital Diagnostic  
Apparatus & Vision Sys.  
With Related Methods

Examiner Amanda H. Merlino

APPLICANT'S RESPONSE TO OFFICIAL ACTION OF 03/08/07

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir,

Applicant acknowledges the thorough search and examination of his application for a patent as reflected by the Official Action of March 8, 2007. However, pursuant to 35 U.S.C. § 132, Applicant persists in his application for a patent and requests reexamination.

Applicant respectfully submits that the substantive rejections have been obviated by amendment or are misplaced. For example, independent claims 17 and 21 have been amended to overcome the rejections premised upon 35 USC § 101. As a result of these amendments, the stated rejections no longer apply to the claims that are dependent upon these independent claims 17 and 21. Second, the rejections premised upon 35 U.S.C. § 102 are contrary to law and to fact for the reasons, that, among others, the references fails to disclose essential elements of Applicant's claims—a disclosure that is required for valid rejection under 35 USC § 102. *See In re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990); *Gechter, et. al. v. Davidson, et. al.*, 116 F.3d 1454 (Fed. Cir. 1997).

These amendments and arguments are more fully addressed in this response at p. 9.

A separate listing of the claims follows on the next page, p.2.